



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/702,486 | 10/31/2000 | Yat-Sang Hung | 1515 | 9822 |
| 28005 | 7590 | 06/22/2005 | EXAMINER | |
| SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100 | | | JAMAL, ALEXANDER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/702,486

Applicant(s)

HUNG ET AL.

Examiner

Alexander Jamal

Art Unit

2643

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached response to applicant's arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: note the attached interview summary form.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Response to Arguments

1. Applicant's arguments filed 6-13-2005 have been fully considered but they are not persuasive.

As per applicant's argument that neither Yamartino or Gabara disclose the limitation 'prepending in response to a determination that entered digits do not match any digits at the end of the phone book', examiner notes that the references are combined, and as such the combination of references must be examined in order to determine what elements are present. Examiner notes that the Yamartino reference discloses (Col 37 lines 35-67) searching for telephone digits at the end of a number in a database when the subscriber number is searched (as pointed in the response to arguments section of the previous Final Office action). Upon a failure to find a valid match of numbers (as per Yamartino considered alone) a discrepancy is passed to the caller interface. The Gabara reference teaches an advantage to Yamartino's system in that, instead of passing a discrepancy onto the user, a default prefix number may be prepended to the entered number based upon the search results failing. In the interview noted in applicant's arguments, examiner stated that the Yamartino and Gabara would obviously have to be combined to form the same order of steps as in the applicant's independent claims. The Yamartino reference already includes the step of searching for an exchange code (as disclosed by Gabara) and a subscriber number (digits at the end of a number in a database). There would be no reason to implement the default pre-pending of Gabara before Yamartino's system has finished searching (for both exchange and subscriber number) for the reasons that the searching is incomplete and there may still be a match to

Art Unit: 2643

be found in searching the subscriber numbers. Gabara teaches an action (pre-pending a default number) in response to a search failing. When combined with Yamartino's system, the search will not fail until digits at the end of a number (the subscriber number) have been checked. Examiner contends there is clear motivation to combine the references and there is no hindsight being used to make that combination.

As per applicant's portrayal of the examiner's opinion from the interview summary (remarks page 6), examiner would like to clarify for the record that the limitation in question are apparent when the references are combined (as opposed to stating that 'it seems like' the limitation is present. Furthermore, examiner notes that the claim language uses the phrase 'comprising', and as such any other steps may be present in between the steps of the applicant's independent claims. In said interview applicant admitted to as much saying that there could be any number of additional steps performed in between the steps listed in the independent claims. Examiner notes that Yamartino in view of Gabara does comprise the steps of applicant's independent claims, and further notes that the default number prepending step taught by Gabara will only be performed 'in response to' all of Yamartino's search steps (including searching for digits at the end of a number) failing because if a match is found, the number will be completed and there will be no need for a default number to be prepended to the entered number. Examiner further asked applicant to disclose how and why Yamartino and Gabara would be combined differently in a manner that would not read on the limitations of the independent claims and applicant has not done so in the submitted after-final arguments.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600